

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEVIN JOSEPH SMITH,

Plaintiff,

v.

ELDON VAIL et al.,

Defendants.

CASE NO. C10-5614RJB/JRC

ORDER GRANTING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS AND  
DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

The Court, having reviewed plaintiff's application to proceed in forma pauperis, does hereby find and ORDER.

(1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefore. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**. As set forth below, an initial partial filing fee will be collected, and plaintiff is required to make monthly payments of 20 percent of the preceding months income credited to his/her account until the full amount of the filing fee is satisfied.


(2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in forma pauperis, the agency having custody of the above named plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of -- the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the 6-month

1 period immediately preceding the date of this Order. The initial partial filing fee should be  
2 forwarded to the court clerk as soon as practicable.

3 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is directed  
4 to collect and forward payments equal to 20 percent of the prisoner's preceding month's income  
5 credited to the prisoner's account. In the event that the monthly payment would reduce the  
6 prisoner's account below \$10.00, the agency should collect and forward only that amount which  
7 would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit does  
8 not apply to the initial partial filing fee described above. Finally, the monthly payments should  
9 be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter has  
10 been paid.  
11

12 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
13 and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization  
14 portion of the IFP application to the Prison Litigation Reform Act ("PLRA") contact person, the  
15 inmate account manager at the Department of Corrections.  
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17 DATED this 22<sup>nd</sup> day of September, 2010.  
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20 J. Richard Creatura  
21 United States Magistrate Judge  
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